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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,664

02/23/2006

Tetsuo Nagano

P27709

1923

7055 7590 01/15/2010  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER

FRITCHMAN, REBECCA M

ART UNIT

PAPER NUMBER

1797

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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***Supplemental Advisory Action***

Applicant's amendment will be entered. Upon entry, the claims will be rejected as was presented in the final action of 5/14/09 by Examiner Keri Moss.

Response to arguments:

Arguments are not persuasive. The Nagano reference teaches measuring reactive oxygen or singlet oxygen in similar situations as disclosed by the applicant, except that it does not spell out detecting peroxy nitrile. However, the reference teaches detecting singlet oxygen in similar situations. Formation of peroxy nitrile is inherent and immediate by applicant's own admission (page 1, paragraph starting with peroxy nitrile) in such situations; and Applicant's claimed method also detects the singlet oxygen from peroxy nitrile. Thus, even if the reference does not expressly state that it is measuring peroxy nitrile, it is inherently measuring peroxy nitrile. Applicant has not disputed the fact that the reference Nagano does teach the same compounds as recited in claim 3. Even though Examiner Keri Moss used an evidence reference (Aldini) to show that peroxy nitrile has singlet oxygen (or reactive oxygen), that reference is not necessary in the rejection, and the rejection is over Nagano, (WO 01/64664, and as applicant has suggested, the office could very well use the US Patent 7,087,766 as an English equivalent instead of the EP reference Examiner Keri Moss used. Aldini was introduced only for the purpose of showing evidence of inherency of singlet oxygen in peroxy nitrile. The reference specifically teaches about singlet oxygen (reactive oxygen), and it inherently would not detect NO or superoxide. In addition, since applicant uses the

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same compound for the measurement, it is also inherent that the method as taught by Nagano also would not detect NO and superoxide.

If applicant thinks that this rejection is improper, it is suggested that applicant provide evidence that Nagano (WO 01/64664) does not inherently teach measuring of peroxy nitrile when it teaches measuring of singlet oxygen, and that Nagano method would not discriminate between NO or superoxide and peroxy nitrile.

**Please note that the additional remarks in this advisory action are in response to the claim amendments newly introduced in the after-final amendment of 11/25/09.**

/Krishnan S Menon/  
Primary Examiner, Art Unit 1797